IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 134 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DEBHARI KELAVNI MANDAL - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR BM MANGUKIYA for Petitioner(s) : 1,
Mr. DIPEN DESAI, AGP for Respondent(s) : 3,
MR BIREN A VAISHNAV for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 11/04/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner

Trust has challenged the legality and validity of the order passed by the District Education Officer in absorbing respondent No.4 in the School run by the petitioner as surplus teacher.

2. Shri Dipen Desai, learned AGP has submitted that the concerned teacher, i.e., respondent No.4 has addressed a letter dated 14th February 2000 to the District Education Officer, Kheda, stating that there is settlement between the School management of the respondent No.4 and that he has been absorbed in the School run by the petitioner with effect from 14th February 2000. He has produced on record the order passed by the D.E.O., Kheda, Nadiad dated 8.2.2000 as well as the communication from the respondent No.4 to the D.E.O., Kheda dated 14th February 2000 which are directed to be taken on record. In view of the subsequent development when the respondent No.4 is permitted to resume in the School run by the petitioner trust and he is working since 2000, no further order is required to be passed

in the Special Civil Application. Accordingly, this Special Civil Application is disposed of as it has become infructuous due to subsequent development. Rule is discharged. Ad-interim relief stands vacated. No costs.

[M.R. Shah, J.]

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